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Compilation on Luxembourg

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1–3]

2. The Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child recommended that Luxembourg ratify the human rights instruments to which it was not yet a party, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[2]

3. The Committee on the Rights of the Child regretted that, notwithstanding its previous recommendation, Luxembourg still maintained its reservations to articles 2, 6, 7 and 15 of the Convention on the Rights of the Child, some of which seemed incompatible with the object and purpose of the Convention. It reiterated its previous recommendations urging Luxembourg to consider withdrawing its reservations to the Convention.[4]

4. Luxembourg contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) each year between 2013 and 2017.

III. National human rights framework[1]

5. The Committee on the Elimination of Racial Discrimination regretted that the new National Council for Foreigners had not renewed the mandate of the special standing commission to combat racial discrimination and had replaced it with a commission on integration and equal opportunities, which was likely to reduce the scope of racial discrimination as an issue within the work of the National Council. The Committee

encouraged Luxembourg to consider reallocating the powers of the former special standing commission so as to maintain the scope of the issue of racial discrimination.[6]

6. While welcoming the work of the Consultative Commission on Human Rights with regard to the rights of the child, the Committee on the Rights of the Child was nevertheless concerned that it had not been provided with the immunities required for it to function in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

7. The same Committee noted with appreciation the work of the Ombuds Committee for Child Rights, but was concerned about the transparency and impartiality of the selection and appointment process of its President and members. Furthermore, the Committee reiterated its concern about the insufficiency of the resources allocated to that body.[7]

8. The same Committee noted with appreciation the creation of the National Children's Bureau and the establishment of an interministerial children's rights coordination body. Nevertheless, the Committee was concerned about the possible overlaps in coordination efforts, that the Bureau had not been given a clear and authoritative mandate and that it did not have sufficient human, technical and financial resources for its effective functioning.[8]

9. The Committee on the Rights of Persons with Disabilities noted with concern that the institutions responsible for the monitoring of discrimination, including the Consultative Council of Human Rights and the Centre for Equal Treatment, lacked the requisite legal jurisdiction to deal with complaints related to discrimination, particularly multiple discrimination or discrimination in the private sector, or the power to remedy complaints. It was concerned by the insufficient resources to carry out their mandates, including effective sanctions and remedies. It was also concerned by the absence of cases of discrimination on grounds of disability, which could be partly explained by the lack of awareness by persons with disabilities of existing mechanisms to defend their rights.[9]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[10]

10. The Committee on the Elimination of Racial Discrimination was concerned by the fact that racial motives for a crime were not considered to be an aggravating circumstance and recommended that Luxembourg introduce into its criminal legislation an aggravating circumstance for racially motivated crimes.[11]

11. The same Committee was also concerned that the definition of racial discrimination contained in article 1 (1) of the Act of 28 November 2006 on equal treatment did not include the criteria of national origin, colour or descent, and therefore was not wholly consistent with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.[12]

12. The same Committee was further concerned that discriminatory stereotypes persisted in the media with regard to certain groups and were of a nature to generate prejudice against those groups. It recommended that Luxembourg, while respecting international standards related to freedom of the press, take monitoring measures in respect of the media and prevent the spread of negative stereotypes with regard to certain ethnic groups. It also recommended that Luxembourg conduct campaigns to raise the awareness of journalists, and the whole population, of the Convention.[13]

13. The Committee against Torture recommended that Luxembourg take all the measures necessary to prohibit and punish discrimination and incitement to violence against vulnerable groups and ensure that offences motivated by hate were always investigated and prosecuted and that the perpetrators were convicted and punished.[14] It regretted that

Luxembourg had not introduced into its legislation provisions specifically banning and declaring illegal any organization that incited racial discrimination.[15]

14. The same Committee noted with concern the reports of racist and xenophobic acts by some law enforcement and prison personnel against foreign detainees. It recommended that Luxembourg take all the measures necessary to prohibit and punish discrimination and incitement to violence against vulnerable groups and ensure that offences motivated by hate were always investigated and prosecuted and that the perpetrators were convicted and punished.[16]

15. The Committee on the Rights of the Child urged Luxembourg to undertake expeditiously the necessary legislative reforms to eliminate discrimination against children born out of wedlock.[17]

B. Civil and political rights

1. Right to life, liberty and security of person [18]

16. While the Committee against Torture commended Luxembourg for its efforts in, and success at, avoiding prison overcrowding and for its adoption of the law of 24 July 2014 authorizing the construction of a new prison centre, it was concerned that certain detention conditions, in particular the size and sanitary conditions of some detention cells in police stations, failed to meet international standards.[19]

17. The same Committee recommended that Luxembourg ensure that officials involved in the arrest, custody, detention and imprisonment of persons were trained on, and aware of, the specific obligations imposed on them under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that all relevant staff, including medical personnel, were trained specifically to identify cases of torture and ill-treatment.[20]

18. The Committee on the Rights of the Child reiterated its concern that the possibility still existed for children to be kept in solitary confinement for up to 10 days as a means of punishment for those deprived of their liberty, and urged Luxembourg to take immediate measures to ban solitary confinement of children.[21]

19. The Committee on the Rights of Persons with Disabilities was concerned about legal provisions that allowed for the use of restraints against persons with disabilities in psychiatric institutions, which might amount to torture and other cruel, inhuman or degrading treatment or punishment. It was also concerned that the competence of the mediator, as the protection mechanism for the rights of persons with disabilities, did not extend to private institutions.[22]

2. Administration of justice, including impunity, and the rule of law [23]

20. The Committee against Torture recommended that Luxembourg ensure that, whenever there were allegations of torture or ill-treatment, they were investigated promptly and effectively and that the perpetrators were sanctioned accordingly.[24] While welcoming the appointment of a judicial magistrate as the head of the Police Inspectorate as a measure to improve the latter's independence, the Committee nevertheless recommended that Luxembourg consider establishing an investigatory body that was institutionally separate from the Ministry of Internal Security and composed of personnel whose prior professions would not result in or create the perception of any conflict of interest in the execution of their duties or create doubt as to the body's impartiality and independence.[25]

21. The Committee on the Elimination of Racial Discrimination asked Luxembourg to ensure that members of the public, in particular persons of foreign origin from countries outside the European Union, were aware of their rights, including all legal remedies for racial discrimination. It also recommended that Luxembourg amend the Act of 28 November 2006 to give the Centre for Equal Treatment the capacity to take part in legal proceedings.[26]

22. The same Committee recommended that Luxembourg continue its efforts to raise awareness among judges, magistrates and lawyers of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that they were invoked and applied directly by national courts.[27]

23. The Committee on the Rights of the Child regretted that there was no juvenile justice system in place that would allow judges to deal with children in a child appropriate manner, including diversion measures to reconcile such children with society. The Committee urged Luxembourg to bring its juvenile justice system fully into line with the Convention on the Rights of the Child, and in particular to consider restorative justice practices and develop diversion mechanisms and alternatives to detention and punishment to prevent recidivism; stop placing juveniles in the State Penitentiary and to rapidly open the new detention unit for juveniles; provide sufficient resources for the new detention unit to be fully operational; and provide the State's socio-educational centres with the necessary human, technical and financial resources to adequately carry out their work with children with a wide array of needs.[28]

24. While noting with appreciation the appointment by courts of lawyers for children, the same Committee was concerned that the right of children of any age to be heard in judicial and administrative proceedings was not sufficiently respected as it was not compulsory for judges to listen to children.[29]

25. The Committee against Torture was concerned about the delay in the opening and operation of the Dreiborn closed security unit for minors, which was attributable to delays in the adoption of the relevant legislation. It was also concerned that minors aged between 16 and 18 might, at the discretion of the judge, be brought before ordinary courts and tried as adults for particularly serious offences. The Committee recommended that Luxembourg ensure that juvenile detainees and prisoners under 18 were always held separately from adults, in accordance with international standards; employ alternatives to incarceration; and ensure that minors were always tried in juvenile courts.[30]

26. The Committee on the Rights of the Child noted with concern the lack of available places in special reception centres for unaccompanied children and that a significant number of them left Luxembourg prior to completing the asylum procedure or to receiving the initial decision of the competent authority.[31]

27. The Committee on the Rights of Persons with Disabilities was concerned about the lack of information on specific measures and protocols to remove barriers to access to justice and to provide procedural, gender and age-appropriate accommodation in judicial proceedings for persons with disabilities, including written information and communications that considered the multilingual reality of Luxembourg.[32]

3. Fundamental freedoms and the right to participate in public and political life[33]

28. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Luxembourg to decriminalize defamation and make it part of the civil code in accordance with international standards.[34]

29. UNESCO recommended that Luxembourg continue to pursue adopting the freedom of information legislation in accordance with international standards.[35]

30. The Independent Expert on the promotion of a democratic and equitable international order deplored the conviction, in June 2016, of two whistle-blowers in the so-called LuxLeaks scandal, who had revealed how tax avoidance and tax evasion reportedly occurred in Luxembourg banks. He recommended that robust legislation, not only to protect whistle-blowers, but also to reward them for contributing to ethics and integrity, be adopted.[36]

31. UNESCO encouraged Luxembourg to implement fully the relevant provisions of the Conventions to which it was party that promote access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life. In doing so, UNESCO also encouraged Luxembourg to give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society, as well as vulnerable groups.[37]

32. UNESCO further encouraged Luxembourg to report on any legislative or other steps undertaken by it to ensure the application of the Recommendation on the Status of Scientific Researchers (1974).[38]

4. Prohibition of all forms of slavery[39]

33. The Committee on the Rights of the Child welcomed the fact that Luxembourg had facilitated the granting of residence permits to child victims of trafficking, and its efforts to combat and raise awareness of child trafficking, sexual exploitation and sex tourism.[40]

34. The same Committee welcomed the measures taken by Luxembourg to address child sex tourism. However, it was concerned about reports indicating the possible existence of cases of child sex tourism abroad and the lack of information on international cooperation to prevent and eliminate such tourism. It recommended that Luxembourg continue to conduct advocacy concerning the harmful effects of child sex tourism, widely disseminate the World Tourism Organization Global Code of Ethics for Tourism among travel agents and tourism agencies, and encourage those enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.[41]

35. The same Committee was concerned about insufficient provision at existing care facilities for identifying children at risk of becoming victims of offences under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and for guaranteeing the protection of victims, especially children outside the family environment. It recommended that Luxembourg establish specialized mechanisms and procedures for the identification of such children at risk, in particular among children in vulnerable situations, and strengthen prevention programmes and the protection of potential victims.[42]

36. The same Committee was concerned that the existing legal framework did not cover all forms of the sale of children covered article 3 (1) (a) (i) of the Optional Protocol, and that they were not classified as offences distinct from human trafficking. It recommended that Luxembourg define and criminalize the sale of children as defined in article 3 of the Optional Protocol, a concept that was similar, but not identical, to human trafficking; ensure that all children under the age of 18 were fully protected by the Criminal Code; and adopt a definition of child prostitution in accordance with article 2 (b) of the Optional Protocol.[43]

5. Right to privacy and family life[44]

37. The Committee on the Rights of the Child urged Luxembourg to take the necessary measures for all information about parents to be registered and filed in order to allow children to know, to the extent possible and at the appropriate time, their parents and to remove the requirement for the mother's consent. It also urged Luxembourg to increase its efforts to address the root causes that led parents to choose to use anonymous births, including the provision of family planning, counselling and social support for unplanned pregnancies and the prevention of at-risk pregnancies.[45]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[46]

38. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) noted that Luxembourg had introduced the principle of equal pay in the Labour Code. Furthermore, the Law of 3 November 2016 on the reform of parental leave ensured that women and men had the same professional opportunities.[47]

39. The Committee on the Elimination of Racial Discrimination recommended that Luxembourg reduce the period of nine months needed to review requests by asylum seekers who wished to access the labour market so as to facilitate more rapid access.[48] It also recommended that Luxembourg take all the measures necessary to facilitate access to the labour market for persons of foreign, non-European Union origin, particularly women. The Committee also recommended that Luxembourg periodically evaluate the measures

introduced to that end, in order to adjust or improve them. Finally, it recommended that Luxembourg promote the effective application of labour legislation, provide judges and lawyers with training on this legislation and inform the Committee of cases related to discrimination in the labour market.[49]

40. The Committee on the Rights of Persons with Disabilities was concerned about the low level of employment of persons with disabilities in the public and private sectors and the segregation of persons with disabilities in sheltered workshops.[50]

41. In relation to the application of article 3 of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) on the right of workers' organizations to elect their representatives in full freedom and to freely organize their activities and formulate their programmes, the ILO Committee of Experts on the Application on Conventions and Recommendations requested that Luxembourg indicate the measures taken or envisaged for the rapid adoption of the Grand Ducal regulations to implement the Act of 2 July 2015 on social dialogue within enterprises.[51]

2. Right to an adequate standard of living[52]

42. The Committee on the Rights of Persons with Disabilities was concerned about the absence of data on poverty and disability and that many persons with disabilities of working age and older were at higher risk of poverty. It was also concerned that the additional expenses incurred by persons with disabilities consequently increased the risk of their being institutionalized. It noted with concern that recent changes to regulations governing care insurance might lead to a deterioration in the standard of living of persons with disabilities.[53]

3. Right to health[54]

43. The Committee against Torture was concerned at reports that prisoners had been denied access to external medical care, even when such care had been requested by a doctor. It recommended that Luxembourg ensure that persons deprived of their liberty were guaranteed access to the necessary medical treatment, including external medical care.[55]

44. The same Committee was also concerned at reports that certain detained persons had been forcibly returned to their home countries despite needing urgent medical care. It recommended that Luxembourg ensure that all returned persons underwent medical and mental health checks and were not forcibly expelled if they were in need of urgent medical treatment, particularly if such treatment was not available in their country of origin.[56]

45. The Committee on the Rights of the Child reiterated its concern regarding inadequacies in child psychiatric services with regard to preventing and responding to attempted suicides and suicide among adolescents. It also noted with concern the indiscriminate diagnosis of mental health problems and use of psychotropic medication, instead of undertaking comprehensive screening and providing access to psychosocial support and counselling services.[57]

46. While welcoming the action planned under the National Programme for the Promotion of Emotional and Sexual Health to protect and promote sexual health, the same Committee noted with concern that adolescents were often not informed about the sexual health services available to them, including the medical and psychological services available in cases of underage pregnancy. It encouraged Luxembourg to implement the national programme and to continue to strengthen efforts to disseminate information.[58] UNESCO made a similar recommendation.[59]

47. The Committee on the Rights of Persons with Disabilities recommended that Luxembourg take measures to ensure the accessibility of health-care services and facilities in the community, particularly for persons with intellectual or psychosocial disabilities and those that required extensive support.[60]

4. Right to education

48. The Committee on the Rights of the Child welcomed the efforts of Luxembourg in the sphere of education and in facing the language challenge with regard to foreign

students. It recommended that Luxembourg continue to invest the necessary resources to improve and/or expand educational facilities and opportunities to ensure the right of all children, including of migrant workers and asylum-seeking and refugee children, to access quality education in Luxembourg; and continue its efforts to ensure that language did not become an obstacle in education.[43] UNESCO made a similar recommendation.[42]

49. UNESCO has encouraged Luxembourg to continue to pursue its efforts on many different fronts to integrate children with special needs into regular educational establishments, in particular by ensuring the successful implementation of the support mechanism at the local, regional and national level whose introduction was announced in February 2017 by the Minister for National Education, Children and Youth.[43]

50. UNESCO has strongly encouraged Luxembourg to submit country reports for the periodic consultations of UNESCO standard-setting instruments, particularly on its implementation of the UNESCO Convention against Discrimination in Education.[44]

51. The Committee on the Rights of Persons with Disabilities was concerned that education laws still allowed for the segregation of students with disabilities, and that segregated education environments persisted, especially for students with intellectual disabilities.[45]

D. Rights of specific persons or groups

1. Women[46]

52. UN-Women noted that Luxembourg had taken several steps towards enhancing gender equality and women's political and economic participation. For example, the proportion of women in boards had increased to 25 per cent in 2016. A new law adopted on 15 December 2016 ensured that political parties met a minimum 40-per-cent quota for women in their lists for national elections and a 50-per-cent quota for European elections. An awareness campaign, called votezegalite.lu, had been established to increase the proportion of women in town councils.[47]

53. UN-Women noted that work had also progressed towards ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), through the creation of an interministerial task force and sub-task force to analyse the relevant parts of the Convention and the actions that needed to be taken to fulfil its commitments.[48]

2. Children[49]

54. While welcoming the inclusion of the principle of the best interests of the child in the Act of 16 December 2008, the Committee on the Rights of the Child was concerned about the lack of adequate guidelines and procedures for implementing the right of a child to have his or her best interests taken into account as a primary consideration in actual practice and throughout all institutions, bodies, policies and programmes. The Committee recommended that Luxembourg strengthen its efforts to ensure that that right was appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects relevant to and with an impact on children.[50]

55. The same Committee recommended that Luxembourg ensure sufficient alternative family and community-based care options for children deprived of a family environment; ensure that placement in institutional care was only used as a last resort and that adequate safeguards and clear criteria based on the needs and best interests of the child were used to determine whether a child should be placed in institutional care; and increase training activities for the police so as to ensure that they carried out court judgments in accordance with the best interests of the child.[51]

56. The same Committee, while welcoming the efforts of Luxembourg to combat violence against children at school, on the Internet and in other contexts, was concerned about the lack of information, including statistics, about the extent of violence against

children in the family, including corporal punishment. It recommended that Luxembourg, inter alia, prioritize the elimination of all forms of violence against children, develop a comprehensive national strategy to prevent and address all forms of violence against children, especially in the family, promote alternative discipline strategies, and adopt a national coordinating framework to address all forms of violence against children, including on the Internet.[57]

57. The same Committee welcomed the National Programme for the Promotion of Emotional and Sexual Health, 2013-2016, which referred to preventing domestic violence and recourse to prostitution. Nevertheless, the Committee remained concerned that a comprehensive policy on children and a strategy for implementing the Convention on the Rights of the Child, including, specifically, all the issues covered under the Optional Protocol on the sale of children, child prostitution and child pornography, was still lacking.[58]

58. The same Committee also welcomed the ongoing efforts of Luxembourg to improve the coordination of protection for children at risk. It was concerned, however, that coordination efforts in that regard did not systematically involve all ministries and civil society partners.[59]

59. The Committee was concerned about the lack of a legal framework to ensure that Internet-hosting services registered in Luxembourg speedily removed child pornographic content, and recommended that Luxembourg adopt legislative and other measures to ensure the prompt removal of child pornographic content and combat child pornography through other digital means, such as peer-to-peer systems, newsgroups and email.[60]

60. The same Committee welcomed the establishment of mandatory training for schoolchildren on safer Internet use, as well as mandatory training on the issue for teachers in the public education system. Nevertheless, the Committee was concerned about the limited concerted training efforts aimed at child protection professionals, including on the rights of the child in general, as well as specialized training for professionals likely to come into contact with victims of offences under the Optional Protocol on the sale of children, child prostitution and child pornography.[61]

3. Persons with disabilities[62]

61. The Committee on the Rights of Persons with Disabilities recommended that Luxembourg, inter alia, expedite the adoption of a definition of "reasonable accommodation" in accordance with the Convention on the Rights of Persons with Disabilities, and enact legislation that explicitly recognized and sanctioned the denial of reasonable accommodation as disability-based discrimination across all areas of life, including within public and private sectors.[63]

62. While noting with appreciation the efforts made by Luxembourg to improve the inclusive education of children with disabilities, the Committee on the Rights of the Child was concerned, inter alia, that the decision on whether a child with a disability should study in a mainstream or special education centre remained at the discretion of his or her parents, leading to a possible conflict of interests between the protective urges of parents and the best interests of the child. The Committee recommended that Luxembourg take measures to ensure that the best interests of the child were the primary consideration when deciding the education system to be followed by each child with disabilities and, to that end, recommended that children be evaluated by interdisciplinary teams.[64]

63. The Committee on the Rights of Persons with Disabilities was concerned that disability continued to be defined through a medical approach in laws, policies and practices. The Committee was also concerned that the different assessment criteria for the eligibility of services continued focusing on the degree of impairment of persons and resulted in exclusion, particularly of persons with psychosocial or intellectual disabilities.[65] It was further concerned about the lack of a permanent coordinating mechanism equipped with sufficient human and financial resources to ensure coherence in the implementation of the Convention on the Rights of Persons with Disabilities, as well as the lack of systematic consultations with persons with disabilities through their representative organizations, in the development of policies and decisions that affected them directly.[66]

64. The same Committee noted with concern the low rates of representation and participation of persons with disabilities in political life and public decision-making.[52]

8. Migrants, refugees, asylum seekers and internally displaced persons[53]

65. The Committee against Torture was concerned that persons whose asylum claims had been rejected, but who could not return to their country of origin because doing so would expose them to danger or security risks, were not provided with adequate resources in the interim and, as such, disappeared and became irregular migrants.[54]

66. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended Luxembourg for adopting an annual resettlement programme, and encouraged it to ensure that it met its annual quota.[55]

67. UNHCR stated that, while Luxembourg had a solid asylum system and the new legislation on the asylum procedure adopted on 18 December 2015 contained several positive aspects, there was still room for improvement. It recommended that Luxembourg ensure that quality decisions on asylum requests were issued within a reasonable time, despite the recent increase in the number of asylum seekers; improve communication and transparency when processing asylum requests; develop a formal mechanism to determine the best interests of the child as part of a comprehensive child protection system, which would include the speedy appointment of a lawyer and a guardian, the consideration of anyone below the age of 18 as a child and the adoption of a holistic approach regarding age assessment; and ensure that the "ultra-accelerated" asylum procedure for asylum seekers from Balkan countries was fair and efficient with an individual assessment of each claim and the necessary procedural safeguards in place, including the possibility to appeal any negative decision.[56]

68. UNHCR noted that, following an influx of asylum seekers in 2015, Luxembourg had approved an emergency reception plan for such persons, which had increased by 1,000 the number of places available and which had strengthened staffing levels at the national reception and integration agency. In that context, UNHCR recommended that Luxembourg improve, to the extent possible, the quality of reception conditions for asylum seekers, including by hiring additional and trained staff; establishing a framework to identify and respond to asylum seekers with specific needs and by ensuring that temporary reception centres remained used as such; and consider a re-examination of the once envisaged integration project that would allow asylum seekers to be more autonomous and less dependent on staff at the national reception and integration agency.[57]

69. UNHCR noted that Luxembourg did not detain persons who had applied for asylum at the border. For the most part, detained asylum seekers belonged to one of two categories of persons, namely: asylum seekers making applications under the Dublin Regulation and rejected asylum seekers awaiting their return to their country of origin or a safe third country. UNHCR recommended that Luxembourg amend the provision contained in the legislation adopted in March 2017 that allowed for detention for up to seven days for families with children, and not detain children for immigration-related purposes, irrespective of their legal migratory status or that of their parents; and consider alternatives to detention for all persons with specific needs.[58]

70. UNHCR, while noting improvements regarding family reunification, raised some concerns related to the duration of the procedure and difficulties that remained proving a family relationship. It recommended that Luxembourg ensure that the family reunification of beneficiaries of international protection took place without undue delay and consider allowing a broader definition of eligible family members, as well as extending the three-month delay for submitting an application.[59]

9. Stateless persons

71. While welcoming recent developments that illustrated the strong and continued commitment of Luxembourg to prevent and reduce statelessness, UNHCR noted that there was no specific legislation on statelessness, despite the fact that it was a party to the 1954 Convention relating to the Status of Stateless Persons. The Minister for Immigration and Asylum was the competent authority in determining whether a person was stateless. While

the administrative instructions on how to apply for the status of statelessness had been clarified, notably through the elaboration of a specific application form, there was no dedicated legislative procedure for determining statelessness. UNHCR recommended that Luxembourg introduce a formal procedure to determine statelessness in order to comply more closely with its obligations to protect under the Convention.[90]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Luxembourg will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/LUIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/10, paras. 116.1-116.5, 116.13, 117.1-117.7, 117.9, 117.11, 118.1-118.3 and 119.1-119.4.
[3] See CERD/C/LUX/CO/14-17, para. 17, and CRC/C/LUX/CO/3-4, para. 52.
[4] See CRC/C/LUX/CO/3-4, paras. 10-11.
[5] For relevant recommendations, see A/HRC/23/10, paras. 116.8, 117.18, 118.7 and 118.68.
[6] See CERD/C/LUX/CO/14-17, para. 9.
[7] See CRC/C/LUX/CO/3-4, para. 20.
[8] Ibid., para. 16.
[9] See CRPD/C/LUX/CO/1, para. 12.
[10] For relevant recommendations, see A/HRC/23/10, paras. 116.20-116.21, 118.4, 118.14-118.25, 118.46, 118.49 and 118.52.
[11] See CERD/C/LUX/CO/14-17, para. 11.
[12] Ibid., para. 7.
[13] Ibid., para. 16.
[14] See CAT/C/LUX/CO/6-7, para. 12.
[15] See CERD/C/LUX/CO/14-17, para. 12.
[16] See CAT/C/LUX/CO/6-7, para. 12.
[17] See CRC/C/LUX/CO/3-4, para. 23.
[18] For the relevant recommendation, see A/HRC/23/10, para. 118.55.
[19] See CAT/C/LUX/CO/6-7, para. 10.
[20] Ibid., para. 14.
[21] See CRC/C/LUX/CO/3-4, paras. 50-51.
[22] See CRPD/C/LUX/CO/1, para. 30.
[23] For relevant recommendations, see A/HRC/23/10, paras. 118.37-118.38.
[24] See CAT/C/LUX/CO/6-7, para. 15.
[25] Ibid., para. 16.
[26] See CERD/C/LUX/CO/14-17, para. 15.
[27] Ibid., para. 8.
[28] See CRC/C/LUX/CO/3-4, paras. 49-51.
[29] Ibid., para. 26.
[30] See CAT/C/LUX/CO/6-7, para. 13.
[31] See CRC/C/LUX/CO/3-4, para. 44.
[32] See CRPD/C/LUX/CO/1, para. 26.
[33] For relevant recommendations, see A/HRC/23/10, paras. 118.47-118.48.
[34] See UNESCO submission for the universal periodic review of Luxembourg, para. 13.
[35] Ibid., para. 14.
[36] See www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20212&LangID=E. See also A/71/286, paras. 43-46 and 72-86.
[37] See UNESCO submission, para. 15.
[38] Ibid., para. 16.
[39] For relevant recommendations, see A/HRC/23/10, paras. 118.11, 118.27-118.28, 118.31-118.35, 118.43 and 118.63.
[40] See CRC/C/LUX/CO/3-4, para. 46.
[41] See CRC/C/OPSC/LUX/CO/1, paras. 19-20.
[42] Ibid., paras. 17-18.
[43] Ibid., paras. 21-22.
[44] For relevant recommendations, see A/HRC/23/10, paras. 116.16 and 118.64.
[45] See CRC/C/LUX/CO/3-4, para. 29.
[46] For the relevant recommendation, see A/HRC/23/10, para. 118.13.
[47] See www.unwomen.org/en/get-involved/step-it-up/commitments/luxembourg.
[48] See CERD/C/LUX/CO/14-17, para. 13.

[49] Ibid., para. 14.
[50] See CRPD/C/LUX/CO/1, para. 46.
[51] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298410.
[52] For the relevant recommendation, see A/HRC/23/10, para. 116.18.
[53] See CRPD/C/LUX/CO/1, para. 48.
[54] For the relevant recommendation, see A/HRC/23/10, para. 118.8.
[55] See CAT/C/LUX/CO/6-7, para. 11.
[56] Ibid., paras. 7-8.
[57] See CRC/C/LUX/CO/3-4, paras. 38-39.
[58] Ibid., paras. 40-41.
[59] UNESCO submission, p. 6.
[60] See CRPD/C/LUX/CO/1, para. 45.
[61] See CRC/C/LUX/CO/3-4, para. 43.
[62] UNESCO submission, pp. 5-6.
[63] Ibid., pp. 4-5.
[64] Ibid., p. 6.
[65] See CRPD/C/LUX/CO/1, para. 42.
[66] For relevant recommendations, see A/HRC/23/10, paras. 116.6-116.7, 116.10, 116.17, 118.9-118.12 and 118.26.
[67] See www.unwomen.org/en/get-involved/step-it-up/commitments/luxembourg.
[68] Ibid.
[69] For relevant recommendations, see A/HRC/23/10, paras. 116.9, 116.19, 117.12-117.14, 117.17, 118.6, 118.29-118.30, 118.36, 118.40, 118.45 and 118.57.
[70] See CRC/C/LUX/CO/3-4, paras. 24-25.
[71] Ibid., para. 35.
[72] Ibid., paras. 30-31.
[73] See CRC/C/OPSC/LUX/CO/1, para. 9.
[74] Ibid., para. 11.
[75] Ibid., paras. 17-18.
[76] Ibid., para. 13.
[77] For relevant recommendations, see A/HRC/23/10, paras. 118.59-118.62.
[78] See CRPD/C/LUX/CO/1, para. 10.
[79] See CRC/C/LUX/CO/3-4, paras. 36-37.
[80] See CRPD/C/LUX/CO/1, para. 6.
[81] Ibid., para. 8.
[82] See CRPD/C/LUX/CO/1, para. 50.
[83] For relevant recommendations, see A/HRC/23/10, paras. 117.15, 118.39, 118.41-118.42, 118.44, 118.50-118.51, 118.53-118.54, 118.56, 118.65-118.67 and 118.70-118.75.
[84] See CAT/C/LUX/CO/6-7, para. 9.
[85] UNHCR submission for the universal periodic review of Luxembourg, p. 2.
[86] Ibid., pp. 2-3.
[87] Ibid., p. 4.
[88] Ibid., pp. 4-5.
[89] Ibid., p. 5.
[90] Ibid., p. 6.